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Attorney Docket No. 01/010 NUT

### DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### Flavor Enhancement of Beverages

the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 16, 2002 as United States Application Number 10/050,756 and was amended on ....(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365 (a) of any PCT International Application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

#### PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	MONTH/DAY/YEAR FILED	PRIORITY CLAIMED	CERTIFIED COPY ATTACHED
101 02 525.4	Federal Republic of Germany	January 20, 2001	YES	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365 (c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Gregory N. Clements, Registration number 30,713, as well as Klaus Schweitzer with Limited Recognition under 37 C.F.R § 10.9(b).

Address all correspondence to **ProPat, L.L.C., Crosby Building, 2912 Crosby Road, Charlotte, North Carolina 28211-2815, Attention: Klaus Schweitzer**. Address telephone communications to **Klaus Schweitzer** at (704) 365-4881.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of first Inventor: Margit DOERR  
Citizenship: German  
Residence: Hohen-Suelzen, Federal Republic of Germany  
Post Office Address: Kirchstraesse 3, D-67591 Hohen-Suelzen, Federal Republic of Germany  
Inventor's signature Margit Doerr  
Date: January 23, 2002

\*\*\*\*\*  
Name of second Inventor: Guido RITTER  
Citizenship: German  
Residence: Laer, Federal Republic of Germany  
Post Office Address: Am Eschbach 16, D-48366 Laer, Federal Republic of Germany  
Inventor's signature Guido Ritter  
Date: January 10<sup>th</sup>, 2002  
\*\*\*\*\*

Name of third Inventor: Hans-Ulrich TER MEER  
Citizenship: German  
Residence: Frankfurt am Main, Federal Republic of Germany  
Post Office Address: Fuchshohl 80, D-60431 Frankfurt am Main, Federal Republic of Germany  
Inventor's signature Hans-Ulrich Ter Meer  
Date: February 18, 2002  
\*\*\*\*\*

Office Address for all  
Inventors

**Nutrinova Nutrition Specialties & Food Ingredients GmbH**  
Brueningstrasse 50  
D-65929 Frankfurt am Main  
Federal Republic of Germany

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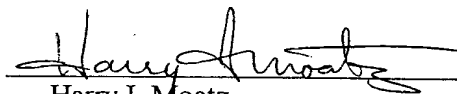
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Klaus Schweitzer is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of ProPat, L.L.C. to prepare and prosecute U.S. patent applications wherein the applicant is the client of ProPat, L.L.C., and the attorney of record in the applications is Mr. Gregory Clements (Reg. No. 30713). This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Klaus Schweitzer ceases to lawfully reside in the United States, (ii) Klaus Schweitzer's employment with ProPat, L.L.C. ceases or is terminated, or (iii) Klaus Schweitzer ceases to remain or reside in the United States on an E2 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: December 5, 2002**

  
Harry I. Moatz  
Director of Enrollment and Discipline